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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,454	03/01/2004	Rick D. Pruett	005803.00981	9962
7590	09/28/2004		EXAMINER	
Brent A. Capchart GABLE & GOTWALS 10th Floor 100 W. Fifth St. Tulsa, OK 74103			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/790,454	Applicant(s) PRUETT, RICK D.	
	Examiner Shay L Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claim 10 is objected to because of the following informalities: Line 2 states, "...end a said rearward portion..." however this sentence does not make sense. Please correct with the appropriate claim language. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 9-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Powers (USPN 3643280).

Powers teaches a pipeline pig for cleaning the inside of a pipeline comprising a pig body having forward and rearward ends. There are centralizers (34) affixed to the pig body by which it is supported in the pipeline and moved by gas flow through the pipeline. There is a bypass passageway (120) within the pig body and a siphon (64) passageway having an inlet end communicating with a lower portion of the pipeline. A venturi (42) is supported by the pig body and is in communication with the siphon passageway and the bypass passageway. Gas flowing through the bypass passageway serves to draw liquid from the lower portion of the pipeline into the pig body by mean of the siphon passageway. The siphoned liquid is then discharged on the interior surfaces of the pipeline by means of a discharge outlet (73). The bypass passageway is connected between a rearward portion of the pig and the venturi. Additionally, there is a first

reservoir (not labeled but shown on figure 1) carried by the pig body in communication with the siphon passageway and a second reservoir (not labeled but shown on figure 1) located in the nose cone (68). The pig is asymmetrically weighted (100) so that the siphon passageway communicated substantially with the lower portion of the pipeline.

Claims 7, 9-10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (USPN 3600736).

Smith teaches a pipeline pig for cleaning the inside of a pipeline comprising a pig body having forward and rearward ends. There are centralizers (24) affixed to the pig body by which it is supported in the pipeline and moved by gas flow through the pipeline. There is a bypass passageway (50) within the pig body and a siphon (64) passageway having an inlet end communicating with a lower portion of the pipeline. A venturi (34) is supported by the pig body and is in communication with the siphon passageway and the bypass passageway. Gas flowing through the bypass passageway serves to draw liquid from the lower portion of the pipeline into the pig body by mean of the siphon passageway. The siphoned liquid is then discharged on the interior surfaces of the pipeline by means of a discharge outlet (73). The bypass passageway is connected between a rearward portion of the pig and the venturi. The pig is asymmetrically weighted (100) so that the siphon passageway communicated substantially with the lower portion of the pipeline.

Claims 7, 9-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Breston (USPN 3708819).

Breston teaches a pipeline pig for cleaning the inside of a pipeline comprising a pig body having forward and rearward ends. There are centralizers (28) affixed to the pig body by which

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it is supported in the pipeline and moved by gas flow through the pipeline. There is a bypass passageway (82) within the pig body and a siphon (60) passageway having an inlet end communicating with a lower portion of the pipeline. A venturi (13) is supported by the pig body and is in communication with the siphon passageway and the bypass passageway. Gas flowing through the bypass passageway serves to draw liquid from the lower portion of the pipeline into the pig body by mean of the siphon passageway. The siphoned liquid is then discharged on the interior surfaces of the pipeline by means of a discharge outlet (99). The bypass passageway is connected between a rearward portion of the pig and the venturi. Additionally, there is a reservoir (not labeled but shown as reference number 52) carried by the pig body in communication with the siphon passageway.

Claims 7, 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cholet (USPN 5086842).

Cholet teaches a pipeline pig for cleaning the inside of a pipeline comprising a pig body having forward and rearward ends. There are centralizers (76) affixed to the pig body by which it is supported in the pipeline and moved by gas flow through the pipeline. There is a bypass passageway (19) within the pig body and a siphon (35) passageway having an inlet end communicating with a lower portion of the pipeline. A venturi (26, abstract) is supported by the pig body and is in communication with the siphon passageway and the bypass passageway. Gas flowing through the bypass passageway serves to draw liquid from the lower portion of the pipeline into the pig body by mean of the siphon passageway. The siphoned liquid is then discharged on the interior surfaces of the pipeline by means of a discharge outlet (38). The bypass passageway is connected between a rearward portion of the pig and the venturi.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith ('736) in view of Rankin (USPN 5699577) or Cholet ('842) in view of Rankin ('577).

Smith or Cholet teach all the essential elements of the claimed invention, as stated previously, however both references fail to teach that the pig is asymmetrically weighted. Rankin teaches a pipeline pig that is asymmetrically weighted by a weight (58) attached to the bottom of the pig body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weight to the pig bodies of Cholet or Smith so that the body would be prevented from rotating and the weight would thereby maintain the peripheral surface of the carrier so that the siphon passageway outlet remains upwardly inclined so that the liquid will be discharged on the upper surfaced of the pipeline.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breston ('819) in view of Rankin (USPN 5699577) or Cholet ('842) in view of Rankin ('577).

Breston or Cholet teach all the essential elements of the claimed invention, as stated previously, however both references fail to teach that the pig is asymmetrically weighted. Rankin teaches a pipeline pig that is asymmetrically weighted by a weight (58) attached to the bottom of the pig body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weight to the pig bodies of Breston or Smith so that the body

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would be prevented from rotating and the weight would thereby maintain the peripheral surface of the carrier so that the siphon passageway inlet communicates with the pipeline interior bottom.

### *Allowable Subject Matter*

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 17 states that the nose cone includes the bypass passageway, the siphon passageway and the venturi therein. Claim 18 states that the nose cone includes a reservoir, the bypass passageway, the siphon passageway and the venturi. Powers ('280), Smith ('736), Breston ('819) and Cholet ('842) all fail to teach these elements being located in the nose cone. These elements are located in the pig body and there is no motivation to change the location of the parts other than to achieve the claimed invention. Therefore claims 17 and 18 are free from the prior art.

### *Conclusion*

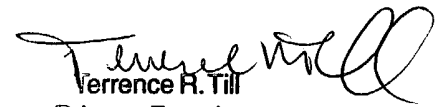
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
9/22/04

  
Terrence R. Till  
Primary Examiner